

ASSEMBLY BILL

No. 2901

Introduced by Assembly Member Brownley

February 22, 2008

An act to amend Sections 25214.1 and 25214.20 of the Health and Safety Code, relating to toxics.

LEGISLATIVE COUNSEL'S DIGEST

AB 2901, as introduced, Brownley. Toxics: lead jewelry: packaging.

Existing law prohibits, on and after March 1, 2008, the manufacturing, shipping, selling, or offering for sale jewelry for retail sale in the state, unless the jewelry is made entirely from specified materials. Existing law also prohibits any person, on and after September 1, 2007, from taking those actions with regard to children's jewelry, as defined, unless the children's jewelry is made entirely from certain specified materials.

Existing law prohibits, on and after January 1, 2006, with exceptions, a manufacturer or supplier from offering for sale or for promotional purposes in this state a package or packaging component that includes an intentionally introduced regulated metal, in the package or in a packaging component.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25214.1 of the Health and Safety Code
2 is amended to read:

1 25214.1. For purposes of this article, the following definitions
2 shall apply:

3 (a) “Amended consent judgment” means the amended consent
4 judgment in the consolidated action entitled People vs. Burlington
5 Coat Factory Warehouse Corporation, et al. (Alameda Superior
6 Court Lead Case No. RG 04-162075) that was entered by the court
7 on June 15, 2006.

8 (b) “Body piercing jewelry” means any part of jewelry that is
9 manufactured or sold for placement in a new piercing or a mucous
10 membrane, but does not include any part of that jewelry that is not
11 placed within a new piercing or a mucous membrane.

12 (c) “Children” means children aged six and younger.

13 (d) “Children’s jewelry” means jewelry that is made for,
14 marketed for use by, or marketed to, children. For purposes of this
15 article, children’s jewelry includes, but is not limited to, jewelry
16 that meets any of the following conditions:

17 (1) Represented in its packaging, display, or advertising, as
18 appropriate for use by children.

19 (2) Sold in conjunction with, attached to, or packaged together
20 with other products that are packaged, displayed, or advertised as
21 appropriate for use by children.

22 (3) Sized for children and not intended for use by adults.

23 (4) Sold in any of the following:

24 (A) A vending machine.

25 (B) Retail store, catalogue, or online Web site, in which a person
26 exclusively offers for sale products that are packaged, displayed,
27 or advertised as appropriate for use by children.

28 (C) A discrete portion of a retail store, catalogue, or online Web
29 site, in which a person offers for sale products that are packaged,
30 displayed, or advertised as appropriate for use by children.

31 (e) (1) “Class 1 material” means any of the following materials:

32 (A) Stainless or surgical steel.

33 (B) Karat gold.

34 (C) Sterling silver.

35 (D) Platinum, palladium, iridium, ruthenium, rhodium, or
36 osmium.

37 (E) Natural or cultured pearls.

38 (F) Glass, ceramic, or crystal decorative components, including
39 cat’s eye, cubic zirconia, including cubic zirconium or CZ,
40 rhinestones, and cloisonne.

(G) A gemstone that is cut and polished for ornamental purposes, except as provided in paragraph (2).

(H) Elastic, fabric, ribbon, rope, or string, unless it contains intentionally added lead and is listed as a class 2 material.

(I) All natural decorative material, including amber, bone, coral, feathers, fur, horn, leather, shell, wood, that is in its natural state and is not treated in a way that adds lead.

(J) Adhesive.

(2) The following gemstones are not class 1 materials: aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite.

(f) “Class 2 material” means any of the following materials:

(1) Electroplated metal that meets the following standards:

(A) On and before August 30, 2009, a metal alloy with less than 10 percent lead by weight that is electroplated with suitable under and finish coats.

(B) On and after August 31, 2009, a metal alloy with less than 6 percent lead by weight that is electroplated with suitable under and finish coats.

(2) Unplated metal with less than 1.5 percent lead that is not otherwise listed as a class 1 material.

(3) Plastic or rubber, including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC) that meets the following standards:

(A) On and before August 30, 2009, less than 0.06 percent (600 parts per million) lead by weight.

(B) On and after August 31, 2009, less than 0.02 percent (200 parts per million) lead by weight.

(4) A dye or surface coating containing less than 0.06 percent (600 parts per million) lead by weight.

(g) “Class 3 material” means any portion of jewelry that meets both of the following criteria:

(1) Is not a class 1 or class 2 material.

(2) Contains less than 0.06 percent (600 parts per million) lead by weight.

(h) “Component” means any part of jewelry.

(i) “EPA reference methods 3050B (Acid Digestion of Sediments, Sludges and Soils) or 3051 (Microwave Assisted Digestion/ Sludge, Soils)” means those test methods incorporated

1 by reference in ~~paragraph (11)~~ of subdivision (a) of Section 260.11
2 of Title 40 of the Code of Federal Regulations.

3 (j) “Jewelry” means any of the following:

4 (1) Any of the following ornaments worn by a person:

5 (A) An anklet.

6 (B) Arm cuff.

7 (C) Bracelet.

8 (D) Brooch.

9 (E) Chain.

10 (F) Crown.

11 (G) Cuff link.

12 (H) ~~Decorated hair accessories~~ *Hair accessory*.

13 (I) Earring.

14 (J) Necklace.

15 (K) Pin.

16 (L) Ring.

17 (M) Body piercing jewelry.

18 (2) Any bead, chain, link, pendant, or other component of an
19 ornament specified in paragraph (1).

20 (k) (1) “Surface coating” means a fluid, semifluid, or other
21 material, with or without a suspension of finely divided coloring
22 matter, that changes to a solid film when a thin layer is applied to
23 a metal, wood, stone, paper, leather, cloth, plastic, or other surface.

24 (2) “Surface coating” does not include a printing ink or a
25 material that actually becomes a part of the substrate, including,
26 but not limited to, pigment in a plastic article, or a material that is
27 actually bonded to the substrate, such as by electroplating or
28 ceramic glazing.

29 SEC. 2. Section 25214.20 of the Health and Safety Code is
30 amended to read:

31 25214.20. (a) The provisions of this article are severable; and
32 if a court holds that a phrase, clause, sentence, or provision of this
33 article is invalid, or that its applicability to a person or circumstance
34 is invalid, the remainder of the article and its applicability to other
35 persons and circumstances may not be affected.

36 (b) ~~The provisions of this~~ *This* article shall be liberally construed
37 to give effect to the purposes of this article.